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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/778,667	01/03/97	RUBLE, JU	751143-001

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EXAMINER

SCHMAAF, J

ART UNIT

PAPER NUMBER

3713

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DATE MAILED:

10/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>08/778,667</b>	Applicant(s) <b>Roblejo</b>
	Examiner <b>James Schaaf</b>	Group Art Unit <b>3713</b>

Responsive to communication(s) filed on \_\_\_\_\_.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-22 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities: page 4, line 30, reference numeral 12 is used previously and in the diagrams as the stack holder from which the cards are input. Page 5, lines 24-26 are awkwardly phrased.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not clear how the apparatus sorts or randomizes a deck. In particular it is unclear if one card is directed to each slot of the wheel and the apparatus needs more slots than there are cards (note that the figure 1 shows considerably less slots than the 52 cards of the blackjack deck used in the example), if the cards are somehow inserted into the proper position of the stack at the stacking means, if multiple cards are directed into each slot and the pusher can somehow distinguish which card is required, or if some other method is used.

Furthermore, no mention is made in the specification that Pan-9 decks, Caribbean stud decks, California blackjack deck or super-pan-9 decks could be used or what such decks are (for claim 10), that physical integrity is checked or how it would be checked (for claim 16), that the sorted order is the same order as found in fresh new decks (for claim 17), that the specific number of decks the apparatus can handle is between 1 and 10 (for claim 18), or that any printer could be used with the system or what sort of verification data would be printed (for claim 19).

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 6, where are the cards directed from?

Claim 1 is further incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: how the control means and identification means interacts with the other means.

Furthermore, claim 1, lines 11-12, the limitation starting “the apparatus adapted” is indefinite as no structure or means plus function language is provided to fulfill the limitation. It is suggested that this phrase be replaced by --wherein the identification means signals to the control means the identities of the cards and wherein the control means verifies that a true set of cards has been received in the input means and directs the ejecting means to deliver a true set of cards at the stacking means in either a random order or a sorted order--.

Claims 2-22 are rejected as incorporating the indefinite language of claim 1.

***Allowable Subject Matter***

7. The following is a statement of reasons for the indication of allowable subject matter: The receipt, verification, and delivery of a true set of cards is not shown in the prior art as claimed.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cuff et al., Penzias, Huen, and Normand et al. are directed to distribution systems for delivering identified cards into specific decks.

Albrecht is directed to identifying cards as they are dealt and maintaining integrity by identifying cards which do not belong to the set.

Soules et al. is directed to a system that directs a dealer to distribute cards dependent on read codes.

Pfeiffer and Pfeiffer et al. are directed to a system which identifies cards, stores the cards in slots in a carousal, keeps the position of the cards in a memory, and distributes the cards on command.

Lorber et al. is directed to a system which identifies multiple decks of cards, stores the cards in slots in a carousal, keeps the position of the cards in a memory, and distributes the cards with a pusher ejector.

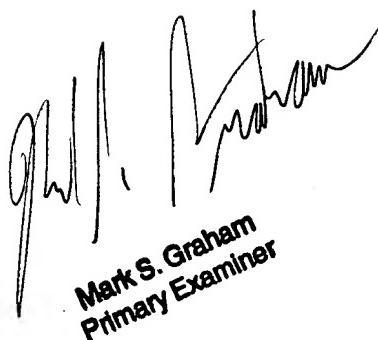
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9. Any inquiry concerning this communication should be directed to James Schaaf at telephone number (703) 308-3397.



James Schaaf

10/11/98



Mark S. Graham  
Primary Examiner